

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: September 19, 2017
Time: 10:00 a.m.

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In re:

Chapter 13
Case No.: 17-43421-608

ERIC KIM

Debtor(s)
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NOTICE OF MOTION

SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 19th day of SEPTEMBER, 2017 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case, by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Islandia, New York
August 31, 2017

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

To: *Office of the United States Trustee*
ERIC KIM, Debtor(s)
DAVID B. SHAEV, ESQ., Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

ERIC KIM

tmm1634
Chapter 13
Case No.: 17-43421-608

Debtor(s)

APPLICATION

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TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on June 29, 2017, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, debtor(s) has failed to file/provide the Trustee with amended Chapter 13 Plan; amended Schedules; Utility bills for the month of July including gas/oil, water, electric, and cable; amended Means Test; bank statements on all accounts from December 1, 2016 - June 30, 2017, including Chase (6865) from June 16, 2017 - June 30, 2017; and details of pension.
3. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
August 31, 2017

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

STEPHANIE TURNER, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On August 31, 2017, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014*

*Eric Kim
86-12 254th Street
Bellerose, NY 11426
Debtor(s)*

and upon the following parties, by the e-mail address designated by said parties for that purpose;

*David B. Shaev, Esq.
Shaev & Fleischman LLP
david@sflawny.com
Attorney for Debtor(s)*

/s/ Stephanie Turner
STEPHANIE TURNER

Sworn to before me this
31st day of AUGUST, 2017

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2017